

ORDINANCE NO. 18-92

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA AMENDING CHAPTER TWO OF THE MUNICIPAL CODE OF THE CITY OF FORT WAYNE, INDIANA DEALING WITH COUNCILMANIC PROCEDURES.

WHEREAS, Chapter Two of the Municipal Code of the City of Fort Wayne, Indiana is in need of revision.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

SECTION 1. Current Chapter Two, Article II., Divisions 2, 3, 4, and 5 of the Municipal Code, are hereby repealed and replaced with the following language:

DIVISION 2. DUTIES OF OFFICERS

Sec. 2-11. President.

a). The president shall preside at all Regular and Special meetings, preserve order and decorum and decide all questions of order subject to appeal to the council. She/he shall appoint all standing committees and all special committees that may be ordered by the council. All standing committees shall be appointed at the commencement of each year of the term of council and shall serve only during the term of each year of the president appointing the committees. She/he shall fill all existing vacancies that may occur in any of the committees.

b). The president shall also sign all ordinances, orders and resolutions passed by the council before their presentation to the mayor, as well as the journal of proceedings.

Sec. 2-12. Vice President.

a). The vice-president shall preside at all meetings of the common council and perform all other duties of the president in the absence of the latter; provided that in the event the office of president shall become vacant, she/he shall not automatically succeed thereto. Upon such vacancy, a new president shall be selected by election of the members of the common council at its next regular meeting.

b). The vice president shall also be ex-officio the chair of the committee of the whole

Sec. 2-13. Clerk.

a). The city clerk shall keep an accurate journal of the proceedings of the common council. She/he shall have the proceedings printed after each regular or special meeting, copies of which shall be prepared for distribution to the various departments and offices of the city and to interested members of the public. She/he shall have bound, at the end of the term, with a proper index thereto, copies of the proceedings, which shall be the official journal of the common council and which shall be distributed by the clerk as appropriate.

1 b). The clerk shall keep a permanent file of all
2 original papers, documents, reports and correspondence filed
with or submitted to the council.

3 c). The clerk shall also be custodian of all ordinances,
4 resolutions, and all other papers pertaining to the business
5 of the common council, except when such ordinances,
6 resolutions, or other papers are necessarily in the hands of
any commission, board or official for consideration thereof.

7 d). She/he shall call the roll of the members of the
common council, in alphabetical order at each meeting.

8
9
10 2-14. Sergeant-at-arms.

11 The sergeant-at-arms shall preserve order in the
12 lobby outside the council chambers and assist the president in
13 doing so within the chambers.

14 Division 3. Conduct of Business

15 2-15. Meetings -- Regular and Committee.

16 The common council shall meet in regular session at 7:00
17 P.M. on the second and fourth Tuesday evenings of each month.

18 On every first and third Tuesday, the common council shall
19 meet in standing committees at 7:00 P.M. Any deviation from
20 that schedule must be announced at the regular meeting
21 proceeding the committee meeting upon motion made by a member
22 of the committee and passbe by a majority of that committee.
23 When either of the meeting days falls upon a holiday, the
24 meeting shall be held on such day as has been determined by
25 the common council at its preceding meeting. The committee of
26 the whole shall, if necessary, meet at 7:00 P.M. on the second
27 and/or fourth Tuesday of the month, prior to the regular
28 meeting.

29 2-16. Same -- Special.

30 Special meetings of the common council shall be held upon
31 the call of the mayor or any five members of the common
32 council subject to the following provisions:

33 a). It shall be the duty of the person calling the
34 special meeting to duly notify the city clerk thereof in
35 writing in time to reasonably permit the city clerk to prepare
36 and serve notice on all members in time to allow them to be
37 present at the meeting, which notice of such special meeting
38 to be served in writing upon each member, either in person or
39 by notice left at his/her place of residence.

40 b). Special meetings may, however, be held upon call,
41 waiver of notice and consent, signed by all members of the
42 common council, in which case the requirements of (a) above
43 shall not apply. In addition, public notice shall be given to
44 the news media prior to the special meeting, as prescribed,
45 and in accordance with, I.C. 5-14-1.5-5.

46 c). Only such ordinances, resolutions or such
47 communications received or other business shall be considered
48 or acted upon as are specifically stated in the call for the
49 meeting.

2-17. Quorum; majority vote required for passage of ordinance, etc.

A quorum shall consist of a majority of all members-elect; provided, that no ordinance, order or resolution shall be passed which shall not have received the votes of the majority of all the members-elect of the common council, unless a greater vote is required by statute.

2-18. Order of business.

The following order of business shall be observed by the common council at its regular meetings:

- a). Presentation of the national colors.
- b). Moment of silence.
- c). Roll call of members.
- d). Reading, correcting and approval of the journal of the proceedings of regular or special meeting.
- e). Communications, in the following order:
 - 1). From the mayor
 - 2). From the controller
 - 3). From the city attorney
 - 4). From the plan commission
 - 5). From other officers, boards or commissions
 - 6). From members of the public, including petitions and remonstrances
- f). Introduction of ordinances and resolutions by committees in the following order:
 - 1). Finance
 - 2). Regulations
 - 3). Public Works
 - 4). City utilities
 - 5). Committee of the Whole
- g). Reports of standing committees of ordinances and resolutions to which the reports refer, in the following order:
 - 1). Finance
 - 2). Regulations
 - 3). Public Works
 - 4). City utilities
 - 5). Committee of the Whole
- h). Miscellaneous business

The reading of the journal may be dispensed with at any time by order of the council.

The council may order a return to any order of business after the call of the regular order of business.

2-19. Rules of order.

Roberts Rules of Order, Revised, the latest edition, shall be controlling authority on all questions of parliamentary law and procedure not specifically covered by the rules within this division for the conduct of business or by statute or ordinance.

1
2 2-20. Amendments to rules and regulations governing council.

3 The rules provided for in this division may be amended,
4 modified or annulled by a majority vote of all of the members-
5 elect of the common council. All proposed amendments to such
6 rules shall be referred to the regulations committee without
7 debate, which committee shall consider and report to the
8 council on the rules in accordance with the procedure
9 specified in section 2-42. The committee on regulations
10 shall, however, also have the authority to recommend changes
11 in the rules on its own volition at any time; provided that no
12 vote may be taken on any such recommendation unless notice of
13 its proposal shall have been given by the committee to the
14 council in writing at a regular meeting of the council, not
15 later than the meeting immediately preceding that at which the
16 committee proposes to submit its recommendation.

17
18 Sec. 2-21. Decorum and debate.

19 a). When any member is about to speak or present any
20 matter to the council she/he shall respectfully address him
21 or herself to the presiding officer, and on being recognized,
22 may address the council, and shall confine him or herself to
23 the question in debate and shall avoid personalities.

24 b). No member shall speak more than twice on the same
25 question without leave of the council, and no more than once
26 until every member choosing to speak shall have spoken. All
27 speeches shall be limited to five minutes, unless further time
28 is granted by the council. Time consumed in answering
29 questions shall not be considered as part of the speaker's
30 time.

31 c). When two or more members request to be heard at the
32 same time, the presiding officer shall decide which shall
speak first.

33 d). During regular sessions, while the presiding officer
34 is putting a question or addressing the council, or when any
35 member is speaking, no member shall engage in any private
36 conversation or walk across or leave the room without the
37 permission of the presiding officer.

38 e). No member shall impugn the motives of any other.

39 f). Any member may change his or her vote before the
40 announcement of the result by the presiding officer.

41 g). If any member fails to follow these rules of
42 decorum an debate, he/she shall be subject to a point of order
43 addressed to the presiding officer.

44
45 2-22. Motions.

46 a). When any motion is made, it shall be stated by the
47 presiding officer, or being in writing, it shall be handed to
48 the clerk and read aloud, after which debate thereon shall be
49 in order, and it shall be entered upon the journal with the
50 name of the members making it, unless it is withdrawn at the
51 same meeting.

1
2 b). Every motion shall be reduced to writing, except the
3 following: Motion for the previous question, motion to
4 adjourn, to adjourn to a day certain, to recess, to reconsider
5 at the same meeting, to lay on the table, to hold to a day
6 certain, to commit, to suspend the rules, to concur, to
7 approve, to make a matter of record, to place on file, to
8 refer to committee, and to place on passage; and every other
9 motion not so reduced to writing shall be out of order.

10 c). Any ordinance or resolution held to a day certain
11 shall automatically be placed on the agenda for that date.

12 d). Any motion or resolution which in effect
13 contemplates a violation of law, or is in conflict with any
14 ordinance, shall be out of order.

15 e). A motion to adjourn cannot be reconsidered.

16 f). Any matter laid on the table may be taken from the
17 table by a vote of the council at any meeting after the
18 meeting at which it is tabled.

19 g). A motion to "reconsider" and "that when the council
20 adjourn it adjourn to meet on a day certain" are privileged
21 questions and are debatable.

22 h). Any business which by law or necessity must or
23 should be transacted within or by a certain time will be
24 considered a question of privilege.

25 i). A motion to "suspend the rules" is a privileged
26 question, is not debatable, cannot be amended except to the
27 acceptance of the mover and shall require the affirmative vote
28 of 7 of the members of the council being present and voting.

29 2-23. Questions -- Previous question.

30 The motion for a "previous question" shall preclude all
31 other motions or amendments except the motion to adjourn. If
32 the motion be sustained, the chair shall at once put the
33 question, first upon the pending amendments in their order,
34 and then upon the main question.

35 2-24. Same -- Reconsideration.

36 When any question has been once decided in the
37 affirmative or negative, any member voting with the
38 prevailing side may move a reconsideration thereof at the
39 same or next regular meeting; provided that no such motion
40 shall be introduced at the next regular meeting unless the
41 member intending to make the motion shall have given written
42 notice of such intention at the meeting at which the vote
43 which he/she desired to have reconsidered was taken.

44 2-25. Same -- Divisions

45 Any member may demand a division of a question when the
46 question is capable of a division.

47 2-26. Introduction of different subject under color of
48 amendment.

49 No matter or proposition on a subject different from that
50 under consideration shall be admitted under color of an
51 amendment.

1
2 2-27. Determination of results of voting.

3 The presiding officer shall decide whether any question
4 is carried by affirmative or negative vote; provided, that if
5 in doubt or if a roll call vote be demanded, the council shall
6 decide by roll call vote.

7
8 2-28. Roll call votes.

9 a). All votes upon the passage of ordinances and
10 resolutions, upon motions to suspend the rules or motions to
11 reconsider, may be by the roll call, or by voice vote.

12 b). Upon a roll call vote on any question, after any one
13 member shall have voted, it shall not be in order for any
14 member to offer remarks except in explanation of his or her
15 vote, which he or she may do only simultaneously with the
16 casting of his or her vote.

17 c). Any member may demand a roll call upon any question
18 to be voted upon by the council, and when such demand is made
19 the clerk shall call the role.

20
21 Division 4. Ordinances and Resolutions.

22
23 2-30. Numbering system prior to introduction.

24 Immediately prior to introduction, each ordinance and
25 resolution shall have assigned to it by the city clerk a bill
26 number. The bill number shall consist of a letter prefix, as
27 prescribed in this section, followed by the last two digits of
28 the calendar year in which introduced, and followed by the
29 number in the sequence of introduction within each particular
30 month. All bills, regardless of subject matter, shall be
31 numbered in the same sequence for each month. Upon passage of
32 an ordinance, the clerk shall assign to it a number in the
33 order of its passage, each of the five types of ordinances to
34 be numbered in a separate sequence, beginning with number one
35 for each such type, together with the appropriate prefix
36 therefor as prescribed in this section. The prefix for
37 appropriation ordinances, to be used on bill numbers and
38 ordinance numbers, shall be the letter "A." The prefix for
39 special ordinances, to be used both for bill numbers and
40 ordinance numbers, shall be the letter "S." The prefix for
41 zoning map ordinances, both for bill numbers and ordinance
42 numbers, shall be "Z." The prefix for annexation ordinances,
43 both for bill numbers and ordinance numbers, shall be the
44 letter "X." And the prefix for general ordinances, both for
45 bill numbers and ordinance numbers shall be the letter "G."

46 The clerk shall also assign a number to each resolution
47 upon its adoption. Resolutions shall be numbered in a
48 separate sequence, beginning with number one to which number
49 there shall be added the prefix "R." The same prefix shall be
50 used with bill numbers assigned to resolutions at the time of
51 introduction.

1
2 Sec. 2-31. Introduction.

3 Except by consent of a majority of the members present, no
4 ordinance or resolution shall be introduced until either the
5 City Attorney or the duly appointed attorney for the Common
6 Council shall have indicated his/her approval or disapproval
7 as to the form and legality, nor unless the ordinance or
8 resolution shall be in the hands of the City Clerk by 12:00
9 Noon on the day before the day of the meeting at which its
10 introduction is desired, and unless that ordinance or
11 resolution is signed by the Chair of the Committee to which
12 the ordinance or resolution is assigned by the President of
13 the Common Council after it is received by the City Clerk.
14 The only exception to the previous requirement of ordinances
15 and resolutions be in the hands of the City Clerk by 12:00
16 P.M. on the day prior to the bill's introduction, shall be
17 allowed with approval of the council president, or by the City
18 Clerk if the President is not available.

11 2-32. Ordinances -- Classes.

12 a). Ordinances shall be of five distinct classes as
13 follows: Appropriation ordinances, special ordinances, zoning
14 map ordinances, annexation ordinances, and general ordinances.

15 b). Appropriation ordinances shall be limited to those
16 appropriating the funds of the city.

17 c). Special ordinances shall be limited to those
18 relating to contracts and the business affairs of the city.

19 d). Zoning map ordinances shall be limited to those
20 amending the zoning map of the city.

21 e). Annexation ordinances shall be limited to those
22 annexing territory to the city.

23 f). General ordinances shall be limited to those
24 relating to the government of the city.

20 2-33. Same -- Disposition within council and committee.

21 a). No ordinances shall be passed upon the same day it
22 is introduced except by suspension of the rules. At least
23 two-thirds of the members-elect of the council must vote in
24 the affirmative for passage of any ordinance on the same day
25 it is introduced. This section does not apply to a zoning
26 ordinance or amendment to a zoning ordinance that is adopted
27 under I.C. 36-7.

28 b). An ordinance introduced pursuant to Sec. 2-32 shall:

29 1). Be read by its title by the Chair of the
30 Committee who signed that ordinance for
31 introduction pursuant to 2-31, and that Chair shall
32 make a motion for formal introduction for said
ordinance.

2). Upon passage of the motion for introduction of
an ordinance or ordinances, the Chair of the
Committee shall move to refer said ordinance or
ordinances to his/her Committee for discussion and
recommendation (other than amendments to the
Zoning ordinance, street and alley vacations,
etc., which are required
by law to be first referred to the City Plan
Commission).

1
2 3). The Committee to which it is referred after
3 discussion of an ordinance shall have the power to
4 amend an ordinance and shall vote upon that
5 Committee's recommendation as to whether the
6 ordinance shall pass, not pass, or come out of said
7 Committee with no recommendation.

8 4). At the next regular session of the Common
9 Council, the Committee Chair shall report as to the
10 recommendation of his/her Committee, as well as any
11 amendments to the ordinance passed by that
12 Committee. At such time, the ordinance shall then
13 be subject to further amendment by the Common
14 Council.

15 5). Thereafter, upon motion duly presented, it
16 shall be placed upon its passage, and in such
17 instance shall thereafter be subject to a final
18 vote thereon.

19 c). Any ordinance failing to receive a sufficient number
20 of votes on final passage, will be considered as lost;
21 provided that the vote thereon may be reconsidered within the
22 time and the manner set forth in Sec. 2-24.

23 d). Final vote for passage of a resolution may be taken
24 at the meeting at which it is introduced, or said resolution
25 may be referred to the appropriate committee as determined by
26 a majority of the council; provided that a resolution
27 requiring affirmative action on behalf of the city shall be
28 processed the same as an ordinance.

29
30 2-34. Public Hearings.

31 Public hearings shall be held on all ordinances and
32 resolutions as required by Indiana statutes in the manner
prescribed by said statute, after due notice required by law.
A majority of the members elect of the common council may,
upon motion duly passed, require a public hearing on any other
resolution or ordinance not otherwise required by law.

33
34 Sec. 2-35. Recordation; proof of publication.

35 All ordinances passed by the common council shall be
36 recorded by the clerk in a book of ordinances. The original
37 shall be filed in the clerk's office, and due proof of
38 publication of all ordinance, requiring publication, by the
39 affidavit of the printer or publisher, shall be procured by
40 the clerk and attached thereto, or written and attested
41 thereto, or written and attested upon the face of the
42 ordinance.

1
2 Sec. 2-36. Same -- Repealed or modified.

3 Whenever any ordinance or part of an ordinance shall be
4 repealed or modified by a subsequent ordinance, the part of an
5 ordinance thus repealed or modified shall continue in force
6 until the due publication of the ordinance repealing or
7 modifying the same, when such publication shall be required to
8 give effect thereto, unless therein otherwise expressly
9 provided; but no suit, proceeding, right, fine, forfeiture or
10 penalty instituted, created, given secured or accrued, under
11 any ordinance previous to its repeal, shall in any way be
12 affected, released or discharged, but may be prosecuted,
13 enjoyed and recovered, as fully as if such ordinance had
14 continued in force, unless it shall be therein otherwise
15 expressly provided.

16
17 Sec. 2-37. Same -- Repeal not to revive former ordinance.

18 When any ordinance repealing a former ordinance, clause
19 or provision shall be itself repealed, such repeal shall not
20 be construed to revive such former ordinance, clause or
21 provision, unless it shall be therein so expressly provided.

22
23 Sec. 2-38. Same -- Effective date.

24 Any ordinance passed by the common council, requiring
25 publication, shall take effect from and after the due
26 publication thereof in the manner prescribed by I.C. 5-3-1,
27 or in the case of an urgent necessity regarding its immediate
28 effectiveness, proclaimed by the mayor is posted in the manner
29 prescribed in I.C. 36-4-6-14(b)(2), unless therein otherwise
30 expressly provided.

31 An ordinance not requiring publication shall take effect
32 from its passage, after is signed by the presiding officer of
the common council, and either signed by the mayor or passed
over his veto by the common council in accordance with I. C.
36-4-6-16.

33
34 Sec. 2-39. Requests for "prior approval."

35 a). From time to time the common council of the City of
36 Fort Wayne, Indiana is requested by various departments of the
37 executive branch of government of the City of Fort Wayne,
38 Indiana, to give its promise that it will, on presentation of
39 a properly drawn ordinance or resolution affecting a
40 particular subject matter, pass an ordinance or resolution
thereon at a future regular meeting of such common council.
Such action is customarily referred to as "prior approval."
Said "prior approval" is in derogation of the strict letter of
the law regarding presentation and passage of ordinances and
resolutions but is in the best interest of the City of Fort
Wayne, Indiana.

41 b). Any request for "prior approval" presented to the
42 common council shall require two-thirds vote of all elected
43 members of the City of Fort Wayne, Indiana. All "prior
44 approvals" must be introduced and passed only at a regular
45 meeting of the Common Council.

1
2 Sec. 2-40. Special provisions concerning utility bond
3 issuance ordinances.

4 a). Whenever the board of public works of the City of
5 Fort Wayne, Indiana, has determined and the common council
6 thereof finds that any utility is in need of improvements,
7 extensions, additions, expansions, or repairs and that funds
8 for said project should be provided by the issuance and sale
9 of revenue bonds payable solely out of said utility's revenues
10 and not constituting a general obligation of the City of Fort
11 Wayne, Indiana, and that rates and charges are increased as a
12 result thereof, said common council shall provide in the
13 ordinance authorizing said bond issue that when said bond
14 issue is paid off that said board of works shall notify in
15 writing the common council within ninety (90) days of the
16 terminal payment of such bond issue.

17 b). Said ordinance shall provide that concurrently with
18 said written notification said board of works shall make a
19 written showing as to why in its opinion said city utility
20 rates or other special revenue requirements should not be
21 reduced because of the reduced debt service requirement
22 arising from satisfaction of their outstanding debt.

23
24 Division 5. Committees.

25 Sec. 2-41. Designated; composition.

26 There shall be five (5) standing committees in the
27 council, appointed by the president, which shall consist of
28 four (4) members each except the committee of the whole which
29 shall consist of all of the members of the council; provided,
30 that the council member of the city plan commission shall be
31 ex-officio one of the four (4) members of the regulations
32 committee; and provided further that the president shall
33 appoint a chair and vice- chair of each committee from its
34 members, to-wit:

- 35 a). Finance
36 b). Regulations
37 c). Public works
38 d). City utilities
39 e). Committee of the whole

40 Sec. 2-42. Duties.

41 The duties of the various standing committees shall be as
42 follows:

43 Finance. The finance committee shall consider and report
44 on all ordinances and other matters concerning tax levies,
45 revenues, bonds, appropriations, fees, salaries and claims.
46 All ordinances and resolutions concerning these subjects shall
47 be referred to the finance committee for its recommendation.
48 The chair of the finance committee shall maintain liaison
49 with the city controller. No payment for expenses incurred by
50 a councilmember on official business shall be paid unless
51 same shall be approved in writing by the finance committee
52 chair, prior to the expenditure of funds for travel.

1
2 Regulations . The regulations committee shall consider
3 and report on all general ordinances and zoning map ordinances
4 and all other matters of a regulatory nature. All ordinances
5 and resolutions concerning these subjects shall be referred to
6 the regulations committee for its recommendation. The chair
7 of this committee shall maintain liaison with the board of
8 public safety.

9 The regulations committee shall also consider and report
10 on all ordinances concerning the annexation of territory to
11 the city and the revision of corporate boundaries. All
12 ordinances and resolutions concerning these subjects shall be
13 referred to the regulations committee for its recommendation.
14 The chair of the regulations committee shall maintain liaison
15 with the city plan commission with regard to annexation
16 matters.

17 Public works. The public works committee shall consider
18 and report on all ordinances and resolutions, including those
19 concerning contracts, pertaining to streets and alleys, track
20 elevation, flood prevention, printing and franchises. All
21 ordinances and resolutions concerning these subjects shall be
22 referred to the public works committee for its recommendation.
23 The chair of the public works committee shall maintain
24 liaison with the board of public works.

25 City utilities. The city utilities committee shall
26 consider and report on all ordinances and resolutions,
27 including the approval of contracts, concerning matters
28 pertaining to , the city waterworks, the city sewage treatment
29 utility and sanitary and storm sewers. All ordinances and
30 resolutions concerning these subjects shall be referred to the
31 city utilities committee for its recommendation. The chair
32 of the city utilities committee shall maintain liaison with
the general superintendent of the city utilities and with the
board of public works on all matters pertaining to city
utilities.

Committee of the whole. The committee of the whole
shall consist of all members of the common council.

 In forming a committee of the whole, the presiding
officer, leaving the chair, shall appoint a chair to preside,
unless the vice president of the council be present, in which
case he shall preside.

Sec. 2-43. Assignment of matters.

 a). Any matter coming before the council which does not
fall within the specific province of a standing committee, as
prescribed in section 2-42 may be assigned to such of the
committees as the president or City Clerk may determine, or
to a special committee if such a committee be deemed
appropriate by the president.

Sec. 2-44. Reports.

All reports from committees shall be made in writing, giving the title and bill number thereof, and must be signed by a majority of the members thereof; and all committees shall return all ordinances, resolutions and papers referred to them and report upon such material to the common council.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

COUNCILMEMBER

APPROVED AS TO FORM
AND LEGALITY.

Stanley A. Levine
Legal Advisor to
Fort Wayne Common Council

29
Amend

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA AMENDING CHAPTER TWO OF THE MUNICIPAL CODE OF THE CITY OF FORT WAYNE, INDIANA DEALING WITH COUNCILMANIC PROCEDURES.

WHEREAS, Chapter Two of the Municipal Code of the City of Fort Wayne, Indiana is in need of revision.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

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a). The president shall preside at all Regular and Special meetings, preserve order and decorum and decide all questions of order subject to appeal to the council. She/he shall appoint all standing committees and all special committees that may be ordered by the council. All standing committees shall be appointed at the commencement of each year of the term of council and shall serve only during the term of each year of the president appointing the committees. She/he shall fill all existing vacancies that may occur in any of the committees.

b). The president shall also sign all ordinances, orders and resolutions passed by the council before their presentation to the mayor, as well as the journal of proceedings.

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b). The vice president shall also be ex-officio the chairperson of the committee of the whole

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a). The city clerk shall keep an accurate journal of the proceedings of the common council. She/he shall have the proceedings printed after each regular or special meeting, copies of which shall be prepared for distribution to the various departments and offices of the city and to interested members of the public. She/he shall have bound, at the end of the term, with a proper index thereto, copies of the proceedings, which shall be the official journal of the common council and which shall be distributed by the clerk as appropriate.

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with or submitted to the council.

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4 resolutions, and all other papers pertaining to the business
5 of the common council, except when such ordinances,
6 resolutions, or other papers are necessarily in the hands of
any commission, board or official for consideration thereof.

7 d). She/he shall call the roll of the members of the
common council, in alphabetical order at each meeting.

8
9
10 2-14. Sergeant-at-arms.

11 The sergeant-at-arms shall preserve order in the
12 lobby outside the council chambers and assist the president in
13 doing so within the chambers.

14 Division 3. Conduct of Business

15 2-15. Meetings -- Regular and Committee.

16 The common council shall meet in regular session at 7:00
17 P.M. on the second and fourth Tuesday evenings of each month.

18 On every first and third Tuesday, the common council shall
19 meet in standing committees at 7:00 P.M. When either of the
20 meeting days falls upon a holiday, the meeting shall be held
21 on such day as has been determined by the common council at
22 its preceding meeting. The committee of the whole shall, if
23 necessary, meet at 6:00 P.M. on the second and/or fourth
24 Tuesday of the month.

25 2-16. Same -- Special.

26 Special meetings of the common council shall be held upon
27 the call of the mayor or any five members of the common
28 council subject to the following provisions:

29 a). It shall be the duty of the person calling the
30 special meeting to duly notify the city clerk thereof in
31 writing in time to reasonably permit the city clerk to prepare
32 and serve notice on all members in time to allow them to be
present at the meeting, which notice of such special meeting
to be served in writing upon each member, either in person or
by notice left at his/her place of residence.

33 b). Special meetings may, however, be held upon call,
34 waiver of notice and consent, signed by all members of the
35 common council, in which case the requirements of (a) above
36 shall not apply. In addition, public notice shall be given to
37 the news media prior to the special meeting, as prescribed,
38 and in accordance with, I.C. 5-14-1.5-5.

39 c). Only such ordinances, resolutions or such
40 communications received or other business shall be considered
41 or acted upon as are specifically stated in the call for the
42 meeting.

43 2-17. Quorum; majority vote required for passage of
44 ordinance, etc.

45 A quorum shall consist of a majority of all members-
46 elect; provided, that no ordinance, order or resolution shall
47 be passed which shall not have received the votes of the
48 majority of all the members-elect of the common council,
49 unless a greater vote is required by statute.

2-18. Order of business.

The following order of business shall be observed by the common council at its regular meetings:

- a). Presentation of the national colors.
- b). Moment of silence.
- c). Roll call of members.
- d). Reading, correcting and approval of the journal of the proceedings of regular or special meeting.
- e). Communications, in the following order:
 - 1). From the mayor
 - 2). From the controller
 - 3). From the city attorney
 - 4). From the plan commission
 - 5). From other officers, boards or commissions
 - 6). From members of the public, including petitions and remonstrances
- f). Introduction of ordinances and resolutions by committees in the following order:
 - 1). Finance
 - 2). Regulations
 - 3). Public Works
 - 4). City utilities
 - 5). Committee of the Whole
- g). Reports of standing committees of ordinances and resolutions to which the reports refer, in the following order:
 - 1). Finance
 - 2). Regulations
 - 3). Public Works
 - 4). City utilities
 - 5). Committee of the Whole
- h). Miscellaneous business

The reading of the journal may be dispensed with at any time by order of the council.

The council may order a return to any order of business after the call of the regular order of business.

2-19. Rules of order.

Roberts Rules of Order, Revised, the latest edition, shall be controlling authority on all questions of parliamentary law and procedure not specifically covered by the rules within this division for the conduct of business or by statute or ordinance.

1 2-20. Amendments to rules and regulations governing council.

2 The rules provided for in this division may be amended,
3 modified or annulled by a majority vote of all of the members-
4 elect of the common council. All proposed amendments to such
5 rules shall be referred to the regulations committee without
6 debate, which committee shall consider and report to the
7 council on the rules in accordance with the procedure
8 specified in section 2-42. The committee on regulations
9 shall, however, also have the authority to recommend changes
in the rules on its own volition at any time; provided that no
vote may be taken on any such recommendation unless notice of
its proposal shall have been given by the committee to the
council in writing at a regular meeting of the council, not
later than the meeting immediately preceding that at which the
committee proposes to submit its recommendation.

10 Sec. 2-21. Decorum and debate.

11 a). When any member is about to speak or present any
12 matter to the council she/he shall respectfully address him
13 or herself to the presiding officer, and on being recognized,
may address the council, and shall confine him or herself to
the question in debate and shall avoid personalities.

14 b). No member shall speak more than twice on the same
15 question without leave of the council, and no more than once
16 until every member choosing to speak shall have spoken. All
speeches shall be limited to five minutes, unless further time
is granted by the council. Time consumed in answering
questions shall not be considered as part of the speaker's
time.

17 c). When two or more members request to be heard at the
18 same time, the presiding officer shall decide which shall
speak first.

19 d). During regular sessions, while the presiding officer
20 is putting a question or addressing the council, or when any
member is speaking, no member shall engage in any private
conversation or walk across or leave the room without the
permission of the presiding officer.

21 e). No member shall impugn the motives of any other.

22 f). Any member may change his or her vote before the
announcement of the result by the presiding officer.

23 g). If any member fails to follow these rules of
24 decorum an debate, he/she shall be subject to a point of order
addressed to the presiding officer.

25 2-22. Motions.

26 a). When any motion is made and seconded, it shall be
27 stated by the presiding officer, or being in writing, it shall
28 be handed to the clerk and read aloud, after which debate
29 thereon shall be in order, and it shall be entered upon the
journal with the name of the members making it, unless it is
withdrawn at the same meeting.

1 b). Every motion shall be reduced to writing, except the
2 following: Motion for the previous question, motion to
3 adjourn, to adjourn to a day certain, to recess, to reconsider
4 at the same meeting, to lay on the table, to hold to a day
5 certain, to commit, to suspend the rules, to concur, to
6 approve, to make a matter of record, to place on file, to
7 refer to committee, and to place on passage; and every other
8 motion not so reduced to writing shall be out of order.

9 c). Any ordinance or resolution held to a day certain
10 shall automatically be placed on the agenda for that date.

11 d). Any motion or resolution which in effect
12 contemplates a violation of law, or is in conflict with any
13 ordinance, shall be out of order.

14 e). A motion to adjourn cannot be reconsidered.

15 f). Any matter laid on the table may be taken from the
16 table by a vote of the council at any meeting after the
17 meeting at which it is tabled.

18 g). A motion to "reconsider" and "that when the council
19 adjourn it adjourn to meet on a day certain" are privileged
20 questions and are debatable.

21 h). Any business which by law or necessity must or
22 should be transacted within or by a certain time will be
23 considered a question of privilege.

24 i). A motion to "suspend the rules" is a privileged
25 question, is not debatable, cannot be amended except to the
26 acceptance of the mover and shall require the unanimous vote
27 of all members present, at least two-thirds of the members of
28 the council being present and voting.

29 2-23. Questions -- Previous question.

30 The motion for a "previous question" shall preclude all
31 other motions or amendments except the motion to adjourn. If
32 the motion be sustained, the chair shall at once put the
question, first upon the pending amendments in their order,
and then upon the main question.

33 2-24. Same -- Reconsideration.

34 When any question has been once decided in the
35 affirmative or negative, any member voting with the
36 prevailing side may move a reconsideration thereof at the
37 same or next regular meeting; provided that no such motion
38 shall be introduced at the next regular meeting unless the
39 member intending to make the motion shall have given written
40 notice of such intention at the meeting at which the vote
41 which he/she desired to have reconsidered was taken.

42 2-25. Same -- Divisions

43 Any member may demand a division of a question when the
44 question is capable of a division.

45 2-26. Introduction of different subject under color of
46 amendment.

47 No matter or proposition on a subject different from that
48 under consideration shall be admitted under color of an
49 amendment.

1 2-27. Determination of results of voting.

2 The presiding officer shall decide whether any question
3 is carried by affirmative or negative vote; provided, that if
4 in doubt or if a roll call vote be demanded, the council shall
decide by roll call vote.

5 2-28. Roll call votes.

6 a). All votes upon the passage of ordinances and
7 resolutions, upon motions to suspend the rules or motions to
reconsider, may be by the roll call, or by voice vote.

8 b). Upon a roll call vote on any question, after any one
9 member shall have voted, it shall not be in order for any
10 member to offer remarks except in explanation of his or her
vote, which he or she may do only simultaneously with the
casting of his or her vote.

11 c). Any member may demand a roll call upon any question
12 to be voted upon by the council, and when such demand is made
the clerk shall call the role.

13 Division 4. Ordinances and Resolutions.

14 2-30. Numbering system prior to introduction.

15 Immediately prior to introduction, each ordinance and
16 resolution shall have assigned to it by the city clerk a bill
17 number. The bill number shall consist of a letter prefix, as
18 prescribed in this section, followed by the last two digits of
the calendar year in which introduced, and followed by the
19 number in the sequence of introduction within each particular
month. All bills, regardless of subject matter, shall be
20 numbered in the same sequence for each month. Upon passage of
an ordinance, the clerk shall assign to it a number in the
order of its passage, each of the five types of ordinances to
be numbered in a separate sequence, beginning with number one
21 for each such type, together with the appropriate prefix
therefor as prescribed in this section. The prefix for
22 appropriation ordinances, to be used on bill numbers and
ordinance numbers, shall be the letter "A." The prefix for
23 special ordinances, to be used both for bill numbers and
ordinance numbers, shall be the letter "S." The prefix for
24 zoning map ordinances, both for bill numbers and ordinance
numbers, shall be "Z." The prefix for annexation ordinances,
25 both for bill numbers and ordinance numbers, shall be the
letter "X." And the prefix for general ordinances, both for
26 bill numbers and ordinance numbers shall be the letter "G."

27 The clerk shall also assign a number to each resolution
upon its adoption. Resolutions shall be numbered in a
28 separate sequence, beginning with number one to which number
there shall be added the prefix "R." The same prefix shall be
29 used with bill numbers assigned to resolutions at the time of
introduction.

1 Sec. 2-31. Introduction.

2 Except by consent of a majority of the members present, no
3 ordinance or resolution shall be introduced until either the
4 City Attorney or the duly appointed attorney for the Common
5 Council shall have indicated his/her approval or disapproval
6 as to the form and legality, nor unless the ordinance or
7 resolution shall be in the hands of the City Clerk by 12:00
8 Noon on the day before the day of the meeting at which its
9 introduction is desired, and unless that ordinance or
10 resolution is signed by the Chairperson of the Committee to
11 which the ordinance or resolution is assigned by the President
12 of the Common Council after it is received by the City Clerk.
13 The only exception to the previous requirement of ordinances
14 and resolutions be in the hands of the City Clerk by 12:00
15 P.M. on the day prior to the bill's introduction, shall be
16 allowed with approval of the council president, or by the City
17 Clerk if the President is not available.

18 2-32. Ordinances -- Classes.

19 a). Ordinances shall be of five distinct classes as
20 follows: Appropriation ordinances, special ordinances, zoning
21 map ordinances, annexation ordinances, and general ordinances.

22 b). Appropriation ordinances shall be limited to those
23 appropriating the funds of the city.

24 c). Special ordinances shall be limited to those
25 relating to contracts and the business affairs of the city.

26 d). Zoning map ordinances shall be limited to those
27 amending the zoning map of the city.

28 e). Annexation ordinances shall be limited to those
29 annexing territory to the city.

30 f). General ordinances shall be limited to those
31 relating to the government of the city.

32 2-33. Same -- Disposition within council and committee.

 a). No ordinances shall be passed upon the same day it
is introduced except by unanimous consent of the members
present. At least two-thirds of the members-elect of the
council must vote in the affirmative for passage of any
ordinance on the same day it is introduced. This section does
not apply to a zoning ordinance or amendment to a zoning
ordinance that is adopted under I.C. 36-7.

 b). An ordinance introduced pursuant to Sec. 2-32 shall:

 1). Be read by its title by the Chairperson of the
Committee who signed that ordinance for
introduction pursuant to 2-31, and that Chairperson
shall make a motion for formal introduction for
said ordinance.

 2). Upon passage of the motion for introduction of
an ordinance or ordinances, the Chairperson of the
Committee shall move to refer said ordinance or
ordinances to his/her Committee for discussion and
recommendation (other than Zoning ordinances,
street and alley vacations, involuntary
annexations, etc., which are required by law to be
first referred to the City Plan Commission).

1 3). The Committee to which it is referred after
2 discussion of an ordinance shall have the power to
3 amend an ordinance and shall vote upon that
4 Committee's recommendation as to whether the
5 ordinance shall pass, not pass, or come out of said
6 Committee with no recommendation.

7 4). At the next regular session of the Common
8 Council, the Committee Chairperson shall report as
9 to the recommendation of his/her Committee, as well
10 as any amendments to the ordinance passed by that
11 Committee. At such time, the ordinance shall then
12 be subject to further amendment by the Common
13 Council.

14 5). Thereafter, upon motion duly presented, it
15 shall be placed upon its passage, and in such
16 instance shall thereafter be subject to a final
17 vote thereon.

18 c). Any ordinance failing to receive a sufficient number
19 of votes on final passage, will be considered as lost;
20 provided that the vote thereon may be reconsidered within the
21 time and the manner set forth in Sec. 2-24.

22 d). Final vote for passage of a resolution may be taken
23 at the meeting at which it is introduced, or said resolution
24 may be referred to the appropriate committee as determined by
25 a majority of the council; provided that a resolution
26 requiring affirmative action on behalf of the city shall be
27 processed the same as an ordinance.

28 2-34. Public Hearings.

29 Public hearings shall be held on all ordinances and
30 resolutions as required by Indiana statutes in the manner
31 prescribed by said statute, after due notice required by law.
32 A majority of the members elect of the common council may,
upon motion duly passed, require a public hearing on any other
resolution or ordinance not otherwise required by law.

33 Sec. 2-35. Recordation; proof of publication.

34 All ordinances passed by the common council shall be
35 recorded by the clerk in a book of ordinances. The original
36 shall be filed in the clerk's office, and due proof of
37 publication of all ordinance, requiring publication, by the
38 affidavit of the printer or publisher, shall be procured by
39 the clerk and attached thereto, or written and attested
40 thereto, or written and attested upon the face of the
41 ordinance.

1 Sec. 2-36. Same -- Repealed or modified.

2 Whenever any ordinance or part of an ordinance shall be
3 repealed or modified by a subsequent ordinance, the part of an
4 ordinance thus repealed or modified shall continue in force
5 until the due publication of the ordinance repealing or
6 modifying the same, when such publication shall be required to
7 give effect thereto, unless therein otherwise expressly
8 provided; but no suit, proceeding, right, fine, forfeiture or
9 penalty instituted, created, given secured or accrued, under
10 any ordinance previous to its repeal, shall in any way be
11 affected, released or discharged, but may be prosecuted,
12 enjoyed and recovered, as fully as if such ordinance had
13 continued in force, unless it shall be therein otherwise
14 expressly provided.

15 Sec. 2-37. Same -- Repeal not to revive former ordinance.

16 When any ordinance repealing a former ordinance, clause
17 or provision shall be itself repealed, such repeal shall not
18 be construed to revive such former ordinance, clause or
19 provision, unless it shall be therein so expressly provided.

20 Sec. 2-38. Same -- Effective date.

21 Any ordinance passed by the common council, requiring
22 publication, shall take effect from and after the due
23 publication thereof in the manner prescribed by I.C. 5-3-1,
24 or in the case of an urgent necessity regarding its immediate
25 effectiveness, proclaimed by the mayor is posted in the manner
26 prescribed in I.C. 36-4-6-14(b)(2), unless therein otherwise
27 expressly provided.

28 An ordinance not requiring publication shall take effect
29 from its passage, after is signed by the presiding officer of
30 the common council, and either signed by the mayor or passed
31 over his veto by the common council in accordance with I. C.
32 36-4-6-16.

33 Sec. 2-39. Requests for "prior approval."

34 a). From time to time the common council of the City of
35 Fort Wayne, Indiana is requested by various departments of the
36 executive branch of government of the City of Fort Wayne,
37 Indiana, to give its promise that it will, on presentation of
38 a properly drawn ordinance or resolution affecting a
39 particular subject matter, pass an ordinance or resolution
40 thereon at a future regular meeting of such common council.
41 Such action is customarily referred to as "prior approval."
42 Said "prior approval" is in derogation of the strict letter of
43 the law regarding presentation and passage of ordinances and
44 resolutions but is in the best interest of the City of Fort
45 Wayne, Indiana.

46 b). Any request for "prior approval" presented to the
47 common council shall require two-thirds vote of all elected
48 members of the City of Fort Wayne, Indiana. All "prior
49 approvals" must be introduced and passed only at a regular
50 meeting of the Common Council.

Sec. 2-40. Special provisions concerning utility bond
issuance ordinances.

a). Whenever the board of public works of the City of Fort Wayne, Indiana, has determined and the common council thereof finds that any utility is in need of improvements, extensions, additions, expansions, or repairs and that funds for said project should be provided by the issuance and sale of revenue bonds payable solely out of said utility's revenues and not constituting a general obligation of the City of Fort Wayne, Indiana, and that rates and charges are increased as a result thereof, said common council shall provide in the ordinance authorizing said bond issue that when said bond issue is paid off that said board of works shall notify in writing the common council within ninety (90) days of the terminal payment of such bond issue.

b). Said ordinance shall provide that concurrently with said written notification said board of works shall make a written showing as to why in its opinion said city utility rates or other special revenue requirements should not be reduced because of the reduced debt service requirement arising from satisfaction of their outstanding debt.

Division 5. Committees.

Sec. 2-41. Designated; composition.

There shall be five (5) standing committees in the council, appointed by the president, which shall consist of four (4) members each except the committee of the whole which shall consist of all of the members of the council; provided, that the council member of the city plan commission shall be ex-officio one of the four (4) members of the regulations committee; and provided further that the president shall appoint a chairperson and vice-chairperson of each committee from its members, to-wit:

- a). Finance
- b). Regulations
- c). Public works
- d). City utilities
- e). Committee of the whole

Sec. 2-42. Duties.

The duties of the various standing committees shall be as follows:

Finance. The finance committee shall consider and report on all ordinances and other matters concerning tax levies, revenues, bonds, appropriations, fees, salaries and claims. All ordinances and resolutions concerning these subjects shall be referred to the finance committee for its recommendation. The chairperson of the finance committee shall maintain liaison with the city controller. No payment for expenses incurred by a councilmember on official business shall be paid unless same shall be approved in writing by the finance committee chairperson, prior to the expenditure of funds for travel.

1 Regulations . The regulations committee shall consider
2 and report on all general ordinances and zoning map ordinances
3 and all other matters of a regulatory nature. All ordinances
4 and resolutions concerning these subjects shall be referred to
the regulations committee for its recommendation. The
chairperson of this committee shall maintain liaison with the
board of public safety.

5 The regulations committee shall also consider and report
6 on all ordinances concerning the annexation of territory to
the city and the revision of corporate boundaries. All
7 ordinances and resolutions concerning these subjects shall be
referred to the regulations committee for its recommendation.
8 The chairperson of the regulations committee shall maintain
liaison with the city plan commission with regard to
9 annexation matters.

10 Public works. The public works committee shall consider
and report on all ordinances and resolutions, including those
11 concerning contracts, pertaining to streets and alleys, track
elevation, flood prevention, printing and franchises. All
12 ordinances and resolutions concerning these subjects shall be
referred to the public works committee for its recommendation.
13 The chairperson of the public works committee shall maintain
liaison with the board of public works.

14 City utilities. The city utilities committee shall
consider and report on all ordinances and resolutions,
15 including the approval of contracts, concerning matters
pertaining to , the city waterworks, the city sewage treatment
16 utility and sanitary and storm sewers. All ordinances and
resolutions concerning these subjects shall be referred to the
17 city utilities committee for its recommendation. The
chairperson of the city utilities committee shall maintain
18 liaison with the general superintendent of the city utilities
and with the board of public works on all matters pertaining
19 to city utilities.

20 Committee of the whole. The committee of the whole
shall consist of all members of the common council.

21 In forming a committee of the whole, the presiding
22 officer, leaving the chair, shall appoint a chairperson to
preside, unless the vice president of the council be present,
23 in which case he shall preside.

24 Sec. 2-43. Assignment of matters.

25 a). Any matter coming before the council which does not
26 fall within the specific province of a standing committee, as
prescribed in section 2-42 may be assigned to such of the
27 committees as the president or City Clerk may determine, or
to a special committee if such a committee be deemed
28 appropriate by the president.

All reports from committees shall be made in writing, giving the title and bill number thereof, and must be signed by a majority of the members thereof; and all committees shall return all ordinances, resolutions and papers referred to them and report upon such material to the common council.

COUNCILMEMBER

Stanley A. Levine
Legal Advisor to
Fort Wayne Common Council

Read the first time in full and on motion by Edmonds, seconded by Edmonds, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 3-24-92

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Edmonds, seconded by _____, and duly adopted, placed on its passage. PASSED ~~LOSS~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GIAQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 4-14-92

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,

Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING) Ordinance RESOLUTION NO. 19-18-92
on the 14th day of April, 1992

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Thomas P. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 16th day of April, 1992, at the hour of 1:45 o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 25th day of April, 1992, at the hour of 2:30 o'clock P. M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

BILL NO. G-92-03-29

Hand one week

REPORT OF THE COMMITTEE ON REGULATIONS

CLETUS R. EDMONDS, CHAIRMAN
JANET G. BRADBURY, VICE CHAIRWOMAN
RAVINE, TALARICO, SCHMIDT

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM
WAS REFERRED AN (ORDINANCE) (~~RESOLUTION~~) OF THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE, INDIANA AMENDING CHAPTER TWO OF THE
MUNICIPAL CODE OF THE CITY OF FORT WAYNE, INDIANA DEALING WITH
COUNCILMANIC PROCEDURES

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
<i>C R Edmonds</i>			
<i>J Bradbury</i>			
<i>Sam Talarico</i>			
<i>OSL</i>			

DATED: *4-14-92*

Sandra E. Kennedy
City Clerk